

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS

FORT WORTH DIVISION – DISTRICT COURT

Mr. Michael Moates, MA, QBA, LBA,

Plaintiff

v.

Michael Arismendez, in his capacity as Executive
Director of the Texas Department of Licensing and
Regulation;

Texas Department of Licensing and Regulation; and

Behavior Analyst Certification Board;

Case No.: 4:22-cv-00262-P-BJ

SUPPLEMENTAL MEMORANDUM IN
SUPPORT OF THE MOTION FOR
PRELIMINARY INJUNCTION

*** WE ASK THE COURT TO WAIT TO RULE ON THIS MOTION UNTIL THE PARTIES HAVE BEEN SERVED IN ACCORDANCE WITH THE FEDERAL RULES OF CIVIL PROCEEDURE ***

A. ADDITIONAL INFORMATION

On 11 April 2022, the Plaintiff in this case filed a Motion for Preliminary Injunction. The Plaintiff respectfully asks the court to consider the additional information below:

1. The State of Ohio has created a process by which individuals who are not certified by the Behavior Analyst Certification Board can be certified (licensed) through demonstration of equivalence. See: <https://psychology.ohio.gov/licensing-and-renewal/getting-licensed-sa/certified-ohio-behavior-analyst/03certified-ohio-behavior+analyst>
2. The State of Virginia has now approved applicants that were not certified by the Behavior Analyst Certification Board but rather the Qualified Applied Behavior Analysis Credentialing Board. Mr. Michael Moates and Dr. Valencia Church-Williams have secured the license and a 3rd is in the works.
3. The State of Iowa has approved the QABA credentials as meeting their requirements for licensure. See Exhibit A.
4. The State of Georgia has language in a bill that is currently sitting on the Governors desk that would allow for QABA certification to meet the requirements for licensure.
5. The State of Texas was acting and continues to act in bad faith. They are denying the Plaintiff due process under the law. Further, they continue to engage in constant delay tactics designed to cost more time to the public.
 - a. They have denied the Plaintiffs application to get a license to practice based on reciprocity. See Exhibit B. The Plaintiff filed an application under Section 506.256 of the Behavior Analyst Licensing Act based on his credential from Virginia. Under the law, they cannot deny an application without holding a hearing. See Section 506.351. But they have done just that, and they refuse to grant the Plaintiff a hearing.
 - b. Second, they continue to send letters asking questions that they already know the answers to. See Exhibit C. For example, in a letter dated 7 April 2022, they asked the Plaintiff if he intended on submitting the BACB credential and they already know the answer to this because the Plaintiff had spoken with their counsel, program manager, program specialist, and executive director letting them know his intention to file with just the QABA credential. They then state in the letter that

rather than emailing them back, he must send them this letter back with a response. This is after they already refused to let the Plaintiff apply online like every other person. See Exhibit C.

- c. TDLR continues to send the same questions to QABA in an attempt to deny their organization and the Plaintiff their right to due process. See Exhibit D. See Exhibit E.
- d. TDLR denied one certification based on false information. They claim that the QASP-S is a autism specific certification. Autism is one piece of this certification and the ANSI National Accreditation Board sent them a letter to this effect. See Exhibit F. See Exhibit G. Please note the highlighted portions highlighted by the Plaintiff to show the court what he is talking about specifically.

The government is acting in bad faith which is why we ask the court to grant the injunction.

D. SERVICE

1. Plaintiff Moates can be served and consents to service via email if service is sent to both email addresses: michaelsmoates@gmail.com and michael@gibpe.org
2. Defendants Texas Department of Licensing and Regulation and its Executive Director have consented to service via email on 8 February 2022. The email is Elizabeth.Salinas-Strittmatter@tdlr.texas.gov. **See Exhibit H.**
3. Defendant Behavior Analyst Certification Board can be served at Behavior Analyst Certification Board, 7950 Shaffer Parkway, Littleton, CO 80127.

Respectfully Submitted,

/s/ Michael S. Moates, MA, QBA, LBA

michael@gibpe.org

michaelsmoates@gmail.com

2700 Colorado Boulevard #1526

Denton, TX 76210

Cell Phone: 817-999-7534

EXHIBIT A



Alden, Tony <tony.alden@idph.iowa.gov>

to me ▾

10:23 AM (1 hour ago)



Dear Micheal Moates,

I received confirmation that we can process an application and grant to a QABA credential holder without a waiver or waiting for the administrative rules to change. I've attached the current application form if you haven't already sent an application in.

--

Tony Alden

Board Executive|Bureau of Professional Licensure|Iowa Department of Public Health

321 E. 12th St| Des Moines, IA 50319|Phone 515-281-4401|Fax: 515-281-3121

Tony.Alden@idph.iowa.gov

Promoting and Improving the Health of Iowans

EXHIBIT B



Elizabeth Salinas-Strittmatter <Elizabeth.Salinas-Strittmatter@tdlr.texas.gov>
to Della, Susan, me, Laura ▾

Thu, Feb 24, 10:03 AM



Good Morning Mr. Moates,

We appreciate your patience while Department staff, including myself and other members of the Office of the General Counsel, discussed whether your licensure in Virginia will qualify you for **reciprocity** here in Texas.

After thoroughly reviewing the applicable statutes and rules in both Texas and Virginia, we have determined that there is no automatic **reciprocity**. First, Virginia is not a certifying entity under Texas law. Second, we are still faced with the question of whether the QBA credential is equivalent to the BACB credential as required in both statute and rule.

The BA work group is continuing their evaluation of the QBA credential. We anticipate a recommendation to the full board after work group members have received the full breadth of information that they need in order to complete their analysis.

TDLR cannot grant you a license based on **reciprocity** until a determination on equivalence is made. We ask for your continued patience as we diligently work towards determining whether the QBA meets the requirements under Texas law and rule for licensing.

With regards to your PIA request, those are handled by our Open Records Division. I have forwarded your e-mail inquiring about your request for records to the Supervising Attorney and her team.

...

[Message clipped] [View entire message](#)

EXHIBIT C



TEXAS DEPARTMENT OF LICENSING & REGULATION

Licensing Division • PO Box 12157 • Austin, Texas 78711 • (512) 463-6599 • Fax (512) 475-2871
www.tdlr.texas.gov

April 7, 2022

TDLR ID Number: 11933385

MICHAEL STEVEN MOATES
2700 COLORADO ST APT 1526
DENTON TX 76210-6839

RE: Request for Information Behavior Analyst Application

Mr. Moates:

TDLR has received two applications from you for a Behavior Analyst license. The first application is titled by you as an "Application for Reciprocity". Please be advised that this is an invalid application that is not generated or approved by TDLR. Additionally, you were informed by TDLR Assistant General Counsel, Elizabeth Salinas-Strittmatter, via e-mail on February 24, 2022, that you are ineligible for reciprocity because you do not have the BACB certification that is currently recognized by the Department. Ms. Salinas-Strittmatter further informed you that the Department is currently reviewing the QBA certification to determine if it is equivalent to the BACB credential as required in both statute and rule. Therefore, TDLR cannot grant you a license based on reciprocity at this time. Because the application is invalid, it is being closed out without further review.

The second application was received in the TDLR mailroom on March 20, 2022. The required fees were received in the TDLR mailroom on April 1, 2022. We note that on your application, you have crossed out any reference to the BACB credential and replaced it with information relating to the QBA credential. Do you intend to submit the BACB credential for consideration or do you consider your application to be complete with the QBA credential information filled in? If you consider your application complete and do not intend to submit further qualifying information, we will proceed with processing your application in accordance with established agency procedure.

You must return a copy of this letter with any requested information within 30 days from the date of this letter. If you have questions, please contact the Department by email at tools.team@tdlr.texas.gov or by phone at 512-463-6599 or 800-803-9202 (Texas only).

Thank you,
Licensing Division

EXHIBIT D – Kindly see the following pages

Questions for QABA:

Please provide answers for the credentials listed below each question, with direct links to where we may verify this information online.

Supervision:

Do clinical supervisors need to be certified in applied behavior analysis?

QBA: [Yes](#)

QASP-S: [Yes](#)

What are the qualification requirements to be a supervisor?

QBA: A master's degree in ABA or a related field from an accredited university, 270 hours coursework as indicated on the QBA Competencies Worksheet (attached), along with passing the ANSI accredited exam congruent with Texas state statute. The QBA certificant must have 1500 hours of supervised fieldwork hours completed to sit for the exam.

The QBA certification meets the statutory criteria for the state licensing of ABA.

((2) "Certifying entity" means the nationally accredited Behavior Analyst Certification Board or another entity that is accredited by the National Commission for Certifying Agencies or the American National Standards Institute to issue credentials in the professional practice of applied behavior analysis and approved by the department.)).

QASP-S: A bachelor's degree in ABA or a related field from an accredited university, 188 hours coursework as indicated on the QASP-S Competencies Worksheet (attached), passing the ANSI accredited exam which is congruent with Texas statute for the assistant behavior analyst. The QASP-S is used nationally as an assistant behavior analyst and meets the statutory requirements of the ABA licensing law

((2) "Certifying entity" means the nationally accredited Behavior Analyst Certification Board or another entity that is accredited by the National Commission for Certifying Agencies or the American National Standards Institute to issue credentials in the professional practice of applied behavior analysis and approved by the department.)).

Is supervision specifically for the task of practicing in the field of applied behavior analysis?

QBA: [Yes](#)

QASP-S: [Yes](#)

Information provided in the [QBA Candidate Handbook](#) and the [QASP-S Candidate Handbook](#) states a supervisor may be “An individual who is licensed or certified in another health profession, including behavior analysis, who is practicing within the scope of the competency of their license/certificate.” Which health profession certifications/licenses are allowed to supervise?

QBA: Before QBA certification, the following may provide supervision to a QBA candidate: QBA, BCBA, licensed practitioner within the scope of ABA, state licensed practitioner within the scope of ABA (e.g., Licensed Behavior Analyst, a licensed psychologist who is certified by the American Board of Professional Psychology who was tested in ABA). Once the QBA has been certified, they are an independent practitioner and do not require additional supervision. All supervisors must have completed at least 8 hours of supervision training coursework before providing supervision to QABA candidates and certificants.

QASP-S: QBA, BCBA, licensed practitioner within the scope of ABA, state licensed practitioner within the scope of ABA (e.g., Licensed Behavior Analyst, a licensed psychologist who is certified by the American Board of Professional Psychology who was tested in ABA). All supervisors must have completed at least 8 hours of supervision training coursework before providing supervision to QABA candidates and certificants.

Fieldwork:

The [QBA Candidate Handbook](#) states the 1500 hours of fieldwork requires 900 hours as supervisor or program development. **Does that mean that once the supervisee reaches 600 hours of fieldwork under supervision, they then become a supervisor for the remaining 900 hours? If so, whom do they supervise for the remaining 900 hours?**

QBA: No, the 1500 fieldwork hours requires a minimum of 900 hours of learning and training supervision techniques, including the knowledge to identify the elements to Behavior Skills Training, Competency Based Training, and Systematic Performance Monitoring systems for monitoring treatment and program integrity systems for evaluating staff performance ways to mitigate observer drift and reactivity; effective strategies for providing support for staff and family; effective parent training strategies; effective feedback that is clear, concise, and timely; sequential steps to providing feedback; how staff motivation may be related; elements of effective supervision; types of staff reinforcement systems; the need for cultural values awareness; and coordination of care.

What does the 1500 hours of fieldwork include, specifically?

QBA: Supervisors communicate performance expectations and evaluate QBAs for overall performance. The supervisor must determine which activities qualify for fieldwork hours and if they reflect QABA standards. Through observation and modeling, they provide ongoing behavioral skills training and continual performance feedback. Supervisors model best practice in all aspects of the ABA field, including technical, professional performance and ethical behavior.

Supervision activities may include the following under the supervision of an approved QABA supervisor:

- Practicing assessments such as functional assessment, preference assessment, staff performance assessment; or assessments used for evaluating behavior intervention
- Implementing and systematically monitoring skill-acquisition and behavior reduction programs through data collection
- Practicing creating behavior plans, clinic notes, progress summaries, etc.
- Attending planning meetings regarding the behavior analytic program and talking to individuals about the program
- Collecting data for the assessments related to the need for behavior intervention
- Practice training others, designing behavior plans, performance management
- Practice overseeing the implementation of behavior analytic programs
- Communication and cooperation skills with stakeholders and other professionals

Approved Course Providers/Coursework:

What information/materials/qualifications/standards does QABA require for course provider approval?

QBA: The QBA coursework creator must be a QBA, BCBA, licensed practitioner within the scope of ABA, state licensed practitioner within the scope of ABA (e.g., Licensed Behavior Analyst, a licensed psychologist who is certified by the American Board of Professional Psychology who was tested in ABA). The required coursework for the QBA is 270 hours of instruction. Providers may combine several methods of instruction, such as live seminars and workshops, on-line training modules, and small group training sessions. It is vital that the standards that have been set for each certificate be reviewed by the designer of the curriculum. These standards reflect the range and skills for success in the field, as well as the statistical weighting of each topic are related to how many questions on the exam. These standards with suggested hours of training are a guideline on how much time to spend on each topic.

A certificate of completion serves as proof of attendance for participants in coursework. Providers are required to supply certificates of completion to participants upon request within 10 business days of course completion.

A certificate of completion must contain the following:

- Participant's name
- Display the official QABA approved coursework provider logo
- Course title: ABAT, QASP-S, or QBA coursework
- Date(s) of attendance
- Printed name of the provider and QABA provider number
- Signature of presenter (can be a scanned signature)
- Number of hours completed

Record Keeping and Document Retention

QABA approved providers must keep active files and records of all approved courses and participant attendance information for a minimum of three years from the date of course registration. All completion certificates for all components of the 40, 180, or 270 approved coursework should be

maintained. Providers should allow participants the ability to request additional copies of attendance during those 3 years.

QABA completes annual audits of all files. Providers and participants are chosen randomly. Upon request, providers must comply with requested information within 10 days.

QABA Coursework Provider Logo Usage

Current Approved Providers are authorized to use the logo to advertise their organizations as “QABA Approved Coursework Provider.” Only currently approved QABA providers are authorized to use this logo.

Approved providers shall use the QABA coursework provider logo on their website. Permission to use the QABA logo may be terminated by QABA for any breach of QABA policies, procedures or terms. The QABA coursework provider logo is the only logo that providers are authorized to use, and may not be manipulated in any way except for resizing purposes.

Coursework Provider Ethics

1. Providers shall not discriminate in the delivery of coursework on the basis of race or ethnicity, gender, age, religion, national origin, sexual orientation or disability.
2. Providers shall not misrepresent their credentials, nor the credentials of their assistants and administrative personnel.
3. Providers shall reference the source when using other providers’ ideas, courses, or products in written, oral, or any media presentation or summary.
4. Providers shall adhere to prevailing professional standards when referencing other professional entities and products. Providers shall not demean any other provider and/or manufacturer in any manner through advertising, verbalization or marketing.
5. Providers shall not engage in dishonesty, fraud, deceit or misrepresentation or any form of conduct that adversely reflects on the QABA provider system or the profession.
6. Providers shall ensure that information collected from participants shall be secure from unauthorized use.
7. Providers are assigned a QABA coursework provider number. It can only be used by the approved provider in the manner and coursework approved in the application.
8. Providers are responsible for any and all activity reported under their provider number.

Submit your coursework application by printing the application and upload it as a zip file with all of the required documents at <https://qababoard.com/coursework-application-form/>

Click [QABA Coursework Provider Application](#) to download the application

Click [QABA Coursework Provider Guidelines](#) to down a pdf version of the guidelines

QASP-S: The QASP-S coursework creator must be a must be a QBA, BCBA, licensed practitioner within the scope of ABA, state licensed practitioner within the scope of ABA (e.g., Licensed Behavior Analyst, a

licensed psychologist who is certified by the American Board of Professional Psychology who was tested in ABA). The required coursework for the QASP-S is 188 hours of instruction. Providers may combine several methods of instruction, such as live seminars and workshops, on-line training modules, and small group training sessions. It is vital that the standards that have been set for each certificate be reviewed by the designer of the curriculum. These standards reflect the range and skills for success in the field, as well as the statistical weighting of each topic are related to how many questions on the exam. These standards with suggested hours of training are a guideline on how much time to spend on each topic.

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Coursework Provider Ethics

9. Providers shall not discriminate in the delivery of coursework on the basis of race or ethnicity, gender, age, religion, national origin, sexual orientation or disability.
10. Providers shall not misrepresent their credentials, nor the credentials of their assistants and administrative personnel.
11. Providers shall reference the source when using other providers' ideas, courses, or products in written, oral, or any media presentation or summary.
12. Providers shall adhere to prevailing professional standards when referencing other professional entities and products. Providers shall not demean any other provider and/or manufacturer in any manner through advertising, verbalization or marketing.
13. Providers shall not engage in dishonesty, fraud, deceit or misrepresentation or any form of conduct that adversely reflects on the QABA provider system or the profession.
14. Providers shall ensure that information collected from participants shall be secure from unauthorized use.
15. Providers are assigned a QABA coursework provider number. It can only be used by the approved provider in the manner and coursework approved in the application.
16. Providers are responsible for any and all activity reported under their provider number.

Submit your coursework application by printing the application and upload it as a zip file with all of the required documents at <https://qababoard.com/coursework-application-form/>

Click [QABA Coursework Provider Application](#) to download the application

Click [QABA Coursework Provider Guidelines](#) to down a pdf version of the guidelines

What guidelines/policies does QABA have to maintain consistency/standards across course providers?

QBA: [Coursework Provider Policies](#)

1. Organizations shall delegate a PPOC who is responsible for editing provider profiles; updating accounts; and registering coursework. PPOC's will have access to the provider manual, certificate template, tools and resources.
2. All approved providers are responsible for all materials, design, certificates, updated and current provider profiles; updating accounts; policy changes and registering courses. Providers shall keep active files and records of all approved courses and participant attendance for a minimum of three (3) years from the date of course registration.
3. Providers shall ensure that courses meet the ABAT/40 hours, QASP-S/180 hours, or QBA/270 hours requirement.
4. Providers should provide a certificate of completion to participants who pass an exam or competency check.
5. Educational content is to be free of endorsements, bias, marketing or sales orientation. Courses must include all the required identifying information.
6. Providers shall use the QABA coursework provider logo on their website. The QABA coursework provider logo may not be altered in any form. The use of the QABA logo is permitted effective from the date an entity is approved as a QABA coursework provider. The use of the QABA coursework provider logo is not transferable and only applicable to the specific QABA approved coursework. The QABA coursework logo remains the property of QABA at all times. Providers who withdraw or fail to renew their provider status, or who violate QABA policies, shall cease

immediately from using the QABA coursework provider logo. Permission to use the QABA coursework provider logo may be terminated at any time by QABA for any breach of QABA provider policies, procedures or terms.

7. Providers shall make available course certificates of completion upon request within ten (10) business days of course completion.
8. Audits will be performed annually, providers/PPOCs must submit all requested documents within 10 days of request.

QASP-S: Coursework Provider Policies

1. Organizations shall delegate a PPOC who is responsible for editing provider profiles; updating accounts; and registering coursework. PPOC's will have access to the provider manual, certificate template, tools and resources.
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3. Providers shall ensure that courses meet the ABAT/40 hours, QASP-S/180 hours, or QBA/270 hours requirement.
4. Providers should provide a certificate of completion to participants who pass an exam or competency check.
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7. Providers shall make available course certificates of completion upon request within ten (10) business days of course completion.
8. Audits will be performed annually, providers/PPOCs must submit all requested documents within 10 days of request.

What grading requirements are course providers required to follow?

QBA: Course administration items that must be kept on file by the provider include:

- Attendance records or online logs
- Certificates of completion for all components of the curriculum with the number of hours completed
- Curriculum designer information, including contact information, copy of certificate/license

- Exam and competency checklists. **Providers should determine passing standards**

QASP-S: Course administration items that must be kept on file by the provider include:

- Attendance records or online logs
- Certificates of completion for all components of the curriculum with the number of hours completed
- Curriculum designer information, including contact information, copy of certificate/license
- Exam and competency checklists. **Providers should determine passing standards**

What are the standards for denying a course provider application?

QBA: If the applicant does not meet the requirements, abide by the ethics, or follow the policies to be an approved QABA coursework provider, they will be denied.

QASP-S: If the applicant does not meet the requirements, abide by the ethics, or follow the policies to be an approved QABA coursework provider, they will be denied.

Provide justification that the courses provided by QABA's approved course providers are equivalent to courses provided by an accredited university or college.

QBA: Must meet the 270 hours coursework as stated in the [QBA Competencies Worksheet](#), which meet the [QBA Competency Standards](#).

QASP-S: Must meet the 188 hours coursework as stated in the [QASP-S Competencies Worksheet](#), which meet the [QASP-S Competency Standards](#).

Autism Services:

The purpose of QABA is to ensure the competency of professionals who provide therapeutic intervention for individuals with autism spectrum disorders and related disabilities.

How does QABA ensure the competency of practitioners in other areas of applied behavior analysis, outside of autism spectrum disorders and related disabilities?

QABA: All QABA applicants must complete a course in autism, even if they are pursuing another area of applied behavior analysis. To maintain certification, all [QABA renewals](#) require a minimum amount of CE hours. There is a minimum requirement for ethics, but not for autism. This allows those who are practicing ABA in another field to continue education without a mandatory autism course once certificated.

Examination:

Does QABA sell or otherwise provide or allow access to current or past versions of QABA's exam?

QBA: No

QASP-S: No

How does is exam security validated?

QBA: Every year, psychometric item analysis is performed along with a drift analysis. This provides evidence of cheating and also provides QABA with data on how each exam item is scoring. If replacement of an item is required, QABA follows the Item Replacement Methodology by our psychometrician. ANSI also performs an annual surveillance (audit) for each credential. This is a very intense and rigorous process that QABA must abide by to retain our accreditation.

QASP-S: Every year, psychometric item analysis is performed along with a drift analysis. This provides evidence of cheating and also provides QABA with data on how each exam item is scoring. If replacement of an item is required, QABA follows the Item Replacement Methodology by our psychometrician. ANSI also performs an annual surveillance (audit) for each credential. This is a very intense and rigorous process that QABA must abide by to retain our accreditation.

May we have a copy of each exam to review the content?

QBA: No, you may review the QBA Competency Standards which the exams are based on.

QASP-S: No, you may review the QBA Competency Standards which the exams are based on.

Enforcement Actions:

Where is a public list of enforcement actions taken by QABA?

QABA: You may review our [policy](#) on our website. [QABA Public Registry](#) allows for public to search for any revoked and/or suspended certificants.

Accreditation:

Is QABA working to get the QASP-S credential ANSI accreditation changed from an autism service provider to an assistant behavior analyst (an expanded scope of expertise)?

QASP-S: The QASP-S is already accredited as an Assistant Behavior Analyst certification. Please see previously provided, attached ANSI letter that states this.

State Licenses:

Please provide a list of states in which the QABA credential is currently accepted for a person to obtain a state-issued license to practice as an assistant behavior analyst or behavior analyst. Please do not list states which accept a QABA credential for anything other than state licensure, or states with pending legislation. Only list states in which the state licensing board/entity for issuance of a license to practice in that state accept a QABA credential currently. For example, do not include states which accept a QABA credential for Tri-Care or purposes other than state licensure.

QBA: [Virginia \(1. Documentation that the applicant is currently certified as a Board Certified Behavior Analyst by the Behavior Analyst Certification Board or any other entity that is nationally accredited to certify practitioners of behavior analysis\); Kansas \("certifying entity" means the national accredited behavior analyst certification board or other equivalent nationally accredited nongovernmental agency approved by the behavioral sciences regulatory board which certifies individuals who have completed academic, examination, training and supervision requirements in applied behavior analysis\); Washington; Kansas \(\(e\) "certifying entity" means the national accredited behavior analyst certification board or other equivalent nationally accredited nongovernmental agency approved by the behavioral](#)

sciences regulatory board which certifies individuals who have completed academic, examination, training and supervision requirements in applied behavior analysis)

QASP-S: Virginia, [Washington](#), [Kansas](#)

Please also provide a list of states that allow people with a QABA credential to practice without obtaining a state license (in states that do issue licenses).

QBA: New Jersey (Accredited by the National Commission for Certifying Agencies, the American National Standards Institute, or a substantial equivalent to credential professional practitioners of applied behavior analysis related to the principles and practice of the profession of applied behavior analysis that is approved by the board); North Carolina

QASP-S: New Jersey (Accredited by the National Commission for Certifying Agencies, the American National Standards Institute, or a substantial equivalent to credential professional practitioners of applied behavior analysis related to the principles and practice of the profession of applied behavior analysis that is approved by the board); North Carolina

EXHIBIT E – Kindly see the following pages



APBA Guidelines – QABA Credentialing Board Responses

Credentialing Body:

1. How long has it been in existence? Established in 2012, the Qualified Applied Behavior Analysis Credentialing Board was established to meet the growing need for more credentialed professionals providing Applied Behavior Analysis (ABA) services. QABA certificants are trained in all aspects of ABA with qualification in autism and related disorders. QABA offers a 3-tiered credentialing model, offering certified providers across all levels of behavior analysis.

2. Is it autonomous (i.e., independent of other organizations or entities) in making decisions about its credentialing program(s)? QABA is independent of other organizations or entities.

3. Is it a nonprofit organization? Our organization is proud to say we are not a nonprofit organization. The organization identified problems with the nonprofit structure, like inefficiencies in resource allocation, and institutional complacency of financial resources which leads to more expensive certifications for the end user. QABA chose not to use this structure and because of this, QABA has achieved the lowest cost certifications within the marketplace both nationally and internationally.

If so,

- Are the bylaws or other governance documents available to the public? Yes, QABA has bylaws. These are reviewed annually to continue to meet the highest standards and meet ANSI accreditation.

- Does the Board of Directors consist mostly of credentialed behavior analysts plus one or more consumers of ABA services and/or members of other professions? Yes, the Board of Directors mostly consists of credentialed behavior analysts and professionals in the scope of the field. We also have a couple of parents of children with autism and other developmental disabilities. As stated in our bylaws: The Credentialing Board is an independent and self-governing body created to identify and confirm the competency areas of the paraprofessional delivering applied behavior analysis (“ABA”) treatment to those individuals diagnosed with autism and related disorders. The composition of the Credentialing Board shall be comprised of professionals working with individuals with autism and developmental disabilities in education, psychology, speech and hearing, behavior analysts, behavior technicians, members of the legal profession, finance professionals, and members of the community with experience and insight into autism and developmental disabilities on either a professional or personal level.

- What are the professional affiliations of the Directors?

Board President, Dr. Kathy Niager: Dr. Niager earned her B.A. and Ph.D. in Psychology from The University of Georgia. Between her undergraduate studies and her Master’s degree from Georgia State University, Dr. Niager served in the United States Air Force as a Captain in the division of Emergency Mobility. She completed several fellowships and internships, including individual, group and family therapy at Odyssey Family Counseling Center, clinical comprehensive psychological screenings of school-aged children at The University of Georgia, and worked in several departments at the Kennedy Krieger Institute at Johns Hopkins University. Her work there



was in the Child and Family Therapy Clinic, on the behavioral pediatrics consultation team, and with the neurobehavior and severe behavior disorders inpatient units. She also worked as therapist for autistic and intellectually disabled children at Kennedy Krieger Institute School at Johns Hopkins Hospital. Dr. Niager assessed and treated children and counseled the parents of at-risk children for the Center for Infant Study at the University of Maryland. She was appointed their Program Coordinator; assessing, consulting and providing therapeutic treatment for children at risk. Earlier in her career, she served as Outpatient Clinic Director at Charter Winds Hospital and a counselor at the Talbot Marsh Recovery Center and the Family Counseling Center of Athens, in Athens, Georgia. In 2002, Dr. Niager realized her vision to create a comprehensive center for innovative therapies for children with autism. She opened Trellis Services, Inc., and it soon became a standard bearer for behavior therapies and progressive treatments through interactive experiences. The organization continues to serve hundreds of autistic children each year. With the growing need for certified autism behavior therapists, Dr. Niager is now working with the Qualified Applied Behavior Analysis Credentialing Board to ensure clinicians at all levels receive proper credentials to help children and adults across the autism spectrum.

Board Secretary, Melanie Sapp: Melanie Sapp's years in advertising/public relations provided opportunity to work with a range of industries from the Fortune 500, pro sports, government and non-profits; however, it was her volunteer work that sparked a passion for childhood advocacy and improving public education. Mrs. Sapp worked with the most impoverished schools throughout Atlanta with the Star Pupils Task Force for Prevent Blindness Georgia, and served as legislative liaison for the Emory Lavista Educational Council. She served on a National Blue Ribbon Schools of Excellence committee, and accepted the prestigious award in Washington, D.C. by U.S. Department of Education Secretary Rod Paige. Her team was also presented a congratulatory certificate by Georgia Governor Roy Barnes. Mrs. Sapp was a 4-term Parent-Teacher Association officer at the elementary and high school levels. She homeschooled her autistic daughter through middle school, a particularly hard time for children with disabilities. The lack of available behavior therapies in the 1990s for high-functioning autistics like her daughter is the catalyst for Mrs. Sapp's commitment to support other parents of children on the autism spectrum. She engages in childhood disability caregiver support groups and helps parents navigate the IEP/504 process for early intervention therapies from highly-qualified clinicians.

Board Member, Dr. Jason Baker: Dr. Baker is an Associate Professor of Child & Adolescent Studies at the California State University, Fullerton, and Co-Founder and Co-Director of the CSUF Center for Autism. He received his undergraduate degree in psychology from UCLA where he worked for several years under Dr. Ivar Lovaas at the UCLA Young Autism Project. He obtained his doctorate in clinical and developmental psychology from Penn State University, performed his clinical internship at the UCLA Semel Institute, and completed postdoctoral research training programs at the University of Miami and the University of Wisconsin-Madison. Dr. Baker teaches courses in research methods, parenting, child assessment, and developmental and behavioral disorders, and is involved in student fieldwork placement programs in early intensive behavioral intervention. His federally-funded research focuses how child and social factors combine in the development of children with ASD, with a particular focus on parent-child interaction, emotion regulation, and co-occurring behavior problems. He has served on the



executive committee of Division 33 (IDD/ASD) of the American Psychological Association and is on the editorial board of APA's Journal of Family Psychology.

Board member, Sheena Piehota, QBA, QASP-S: Sheena Piehota is a Qualified Behavior Analyst (QBA) and a Qualified Autism Service Practitioner Supervisor (QASP-S). Mrs. Piehota currently works in the field of Applied Behavior Analysis providing a variety of behavior analytic services to military families. She is currently in the Ph.D. (I/O psychology) program at Capella University where she also received her M.S in Psychology with a focus in Applied Behavior Analysis (2014). Mrs. Piehota earned her B.S. in Psychology from the University of Central Florida (2012), and has over 9 years experience working with children with disabilities. Prior to her work in Applied Behavior Analysis, she worked in education with children in PK-12th grades. Mrs. Piehota focuses her current practice in verbal behavior and functional communication.

Board Member, Eric Linder: Eric Linder has a wealth of experience across both public and private enterprise. He has developed and implemented community outreach strategies for hundreds of organizations and worked with community leaders and elected officials regarding policies for children with special needs. From 2012-2016, Mr. Linder served as Assembly member in the California State Assembly, where he represented the interests of approximately 500,000 residents of the 60th Assembly district (Riverside County). A real estate professional with almost 20 years' experience, Mr. Linder developed a specialty in finding ways to incorporate technology into the profession and produce efficiencies in the real estate marketplace. Later, he took his technology background and founded the online communications firm eMotiv Marketing, where he remains company president. Mr. Linder is committed to the idea that education should be exceptional, accessible and affordable. He has been one of the most powerful voices in California government in keeping down tuition costs and allowing local school districts to determine how their funds are spent. As Assemblyman, Mr. Linder helped push for funding for the new UC Riverside School of Medicine, the state's first new public medical school in 40 years. This was one of Mr. Linder's top priorities, because it ensures that the region will have more physicians and better health care access for residents, while simultaneously establishing an economic anchor and stimulating the local economy as much as \$150 million every year.

Board member, Claire Norris, QBA, BCBA: With her early background as a classroom teacher in Tennessee, Claire has specific knowledge of the various learning styles and individualized needs of all students. Her education includes a Bachelor of Science in Interdisciplinary Studies from Austin Peay State University, and a Master of Art in Teaching with a focus in Applied Behavior Analysis. As a Behavior Interventionist at Autism Behavior Services, Inc., Claire implemented behavior and treatment plans, collected and graphed behavior data. After becoming a masters-level BCBA, she performs behavior assessments and develops treatment and behavior plans for individuals across the autism spectrum. Claire has a deep commitment to the practice of applied behavior therapy; she joined the QABA Board to make sure that all certified clinicians meet the strictest standards in order to provide consistent, high-quality care. QABA is fortunate to have such a qualified clinician as Claire to serve on our Board of Directors.

Board member, Harry Sadeghi: Harry Sadeghi earned his B.S. at California Polytechnic State University and an M.P.H. at the University of Loma Linda. He then earned his A.B.A. to become an Applied Behavior Analyst. Mr. Sadeghi added to his broad education when he received his J.D. from the University of West Los Angeles, Law School. He is a member of the California



State Bar, the California Supreme Court, the Federal District Court of Los Angeles, member of the Beverly Hills Bar Association, past and current member of the Association for Behavior Analysis International. He is Managing and Supervising Attorney at The Law Offices of Harry Sadeghi & Associates where he handles federal and states cases in corporate laws, insurance laws, education law, serious personal injuries, and employment law. He is also involved in advocacy for Applied Behavior Analysis (ABA) for children with autism. Mr. Sadeghi is a weekly co-host for the Didar TV show discussing and responding to callers about issues of Consent and Ethical duties in rendering professional medical, behavioral and psychological services. He provides legal advice to professionals to how to avoid medical malpractice, and responds to callers to assess cases regarding their legal rights in obtaining behavioral therapy and other professional psychological/behavioral services. Additionally, he served as exam proctor for the California School of Law. Further, he provided legal counsel for Dr. Ali Sadeghi, noted psychologist for California Psychcare. He coordinated and supported Dr. Sadeghi's efforts to pass SB 946, requiring private health plans to cover autism. His clinical experience includes working as Behavioral Specialist at Inland Empire Regional Center. Under the supervision of Dr. Ali Sadeghi, he provided, assessment, and behavioral intervention and modification services to children with autism, down syndrome, epilepsy and related syndromes at home and school environments.

Board member, Dr. Matthew Kirkhart: Dr. Kirkhart graduated magna cum laude with a B.A. in Psychology from West Virginia University. He also earned his M.A. in Clinical Psychology from West Virginia University, then completed his Ph.D. in Clinical Psychology from the University of North Carolina at Greensboro. His pre-doctoral internship was at the Department of Clinical and Health Psychology at Shands Hospital, University of Florida College of Health Professionals. Dr. Kirkhart is a licensed psychologist in Maryland and is past Chair of the Psychology Department and a past interim Chair for the Department of Teacher Education, both at Loyola University Maryland. His two primary research interests are in medical/health psychology, primarily focusing on those with serious or chronic medical conditions such as factors that affect general adaptation and adjustment to the medical conditions (i.e., adjustment to chronic pain conditions, adaptation to lifestyle changes in managing diabetes, etc.), and in the prediction of adjustment and adaptation to future medical procedures (i.e., predicting adjustment post organ transplantation). His second primary research interest is in basic research examining learning and memory, in the conscious and unconscious learning and memory, rule-governed behavior, and a functional analysis of language in efforts to understand how verbal behavior affects other behavior. Additionally, he has research interests in mentoring and teaching in psychology, adult psychopathology, and interpersonal psychotherapy models and methods.

Board member, Dr. Lydia Luna: Dr. Luna is a Licensed Clinical Psychologist in the state of California who earned her B.S. in Psychology from California Lutheran University and her Ph.D. in Clinical Psychology from Pacifica Graduate Institute. She was previously the Clinical Director of California Psychcare where she created and developed protocols and systems to ensure a high-quality service delivery model. Her role as director included providing supervision and trainings, conducting psychodiagnostic evaluations, overseeing and supporting Regional Directors of Clinical Services, as well as, the functions of over 20 offices throughout Southern California. It is Dr. Luna's responsibility to monitor Behavior Health Treatment, Specialized Individual Training, Insurance, School District, and Psychodiagnostic departments. An important part of her



role is ensuring various funding sources are adequate for continuity of care and utilization of services. Dr. Luna has broad clinical experience, having been in private practice since 2013, and prior to that, she worked directly with patients at residential level care for substance abuse disorders at Cliffside Malibu; treated at-risk youth and families through the wraparound program at Tarzana Treatment Centers; and provided psychotherapy to low-income families at Valley Community Clinic. Her expertise also includes educating parents who have children diagnosed with autism spectrum disorder, ADHD, Down Syndrome, Intellectual Disability, and other developmental disabilities. She educates parents on the causes, characteristics, and treatment of several developmental disabilities including Applied Behavioral Analysis and other techniques used to modify behavior. She is trained in numerous modalities, including, CBT, motivational enhancement therapy, psychodynamic oriented therapy, mindfulness, Managing and Adapting Practice (MAP), seeking safety, recovery model and conducts full psychological assessments. Board member, Lauren Green, BCBA, QASP-S: Within one year of completing her Bachelor of Science in Psychology from Utah State University, Lauren earned a Master of Arts in special education and also earned her Board Certified Behavior Analyst (BCBA) credential and became a Qualified Autism Service Practitioner (QASP) that same year. Her dedication and enthusiasm for helping improve the lives of individuals on the autism spectrum led her to work with Reaching Milestones, Inc. where she served at all levels of care from Behavior Assistant, to Training Specialist, Clinical Director and Learning and Development. Lauren brings a depth of direct clinical care to the QABA Board of Directors, where her input is an invaluable resource to ensure QABA meets the needs of all stakeholders.

- How are Directors elected or appointed? As stated in the bylaws, nominations to fill vacancies of the Credentialing Board or to elect new Directors of the Credentialing Board upon the expiration of any Director's term may be made by the Credentialing Board. Directors shall serve a 3-year term (the "**Term**") and shall hold office until such Director's Term has ended or until the Director earlier resigns pursuant to Section 4.5 of these Bylaws or shall have been removed in the manner provided in Section 4.6 of these Bylaws. There is no limit to the number of terms for which a director is elected.

- Are Directors paid? The majority of the Board of Directors volunteer their time as members of the board. The board President and the Board Secretary receive a small payment. Other duties that a board member may take on, such as internal audits, may receive a small stipend.

- Is there an Executive Director or CEO? If so, does s/he have a professional background in behavior analysis? Yes, QABA does have an Executive Director, Hollie Benincosa. Her background does include behavior analysis in Houston, Texas, where she provided Applied Behavior Analysis services directly with children diagnosed with autism and other developmental disorders and medical issues. She has a Master's Degree in Forensic Psychology and also completed an internship with homeless adults diagnosed with mental health disorders, including developmental disabilities.

Credentialing Program:

- Accredited by the National Commission for Certifying Agencies (NCCA) or American National Standards Institute (ANSI)? QABA Credentialing Board has accreditation through American National Standards Institute (ANSI), which meets the ISO 17024 standards. This means that our accredited credentials are recognized internationally. QABA is the only



credentialing board with an international accreditation. QABA's entry level credential, the Applied Behavior Analysis Technician (ABAT), our mid-level supervisor, the Qualified Autism Services Practitioner – Supervisor (QASP-S), and our master's level Qualified Behavior Analyst (QBA) are all accredited through ANSI. Having ANSI accreditation is having the golden standard in accreditation.

- Were job analysis studies conducted to identify the knowledge and competencies

required for the credential(s)? Yes, job analysis studies were conducted with subject matter experts for each credential. Each credential exam consisted of exam committees (all subject matter experts) who worked with a psychometrician and his team. These job analysis studies created the competency standards for each credential and their exams. The process took several all-day meetings to complete with the subject matter experts. If any revisions or updates needed to be performed, they were confirmed by the exam committees.

If so,

- What subject matter experts were involved? Subject matter experts included professionals in the field from across the nation. All subject matter experts met specific requirements and provided their resumes. Our subject matter experts included credentialed professionals with QABA and BACB, as well as professionals within the scope of the field. This included BCBA-Ds, BCBAs who are now QBAs, Doctors of Behavioral Health, QASP-Ss, and other professionals within the field of ABA and ASD.

- Did a test construction expert design the job analysis surveys and analyze the data? Yes, our psychometrician and his team are experts in test construction and job analysis surveys. Our psychometrician conducts item analysis and cut score recommendations using the Angoff method. Several exam committees with subject matter experts are used for each process, with little to no overlap of subject matter experts. The design and analysis is done professionally by the psychometrician's design and data.

- To what pool of respondents were the job analysis surveys sent? Providers and professionals within the field of ABA and ASD across the nation. All subject matter experts met specific requirements and provided their resumes. Our subject matter experts included credentialed professionals with QABA and/or BACB, as well as professionals within the scope of the field. This included BCBA-Ds, BCBAs who are now QBAs, Doctors of Behavioral Health, QASP-Ss, and other professionals within the field of ABA and ASD.

- Have the study methods and results been published? Yes, all study methods are stored and available. Our psychometrician provides supporting documents and reports, including those who participated in any exam committees, job analysis committees, item writing, and item review. Each committee is comprised of different subject matter experts to confirm all knowledge and competencies are met. Every year, to maintain the exams and competencies, our psychometrician performs an item analysis of each exam and its item bank.

- Are job analysis studies repeated periodically? Yes, job analysis studies are repeated periodically for each credential. We also have annual maintenance of all exams completed with our psychometrician and his team. Subject matter experts are recruited to review the job analysis studies and confirm what updates, if any, need to be made. They meet with the psychometrician to discuss their review.

- Is there a comprehensive outline of the knowledge and competencies (task list) resulting from the job analysis study or studies? Yes, each level has its own Competency Standards that



are posted on our website. We have our Competency Standards labeled as such on the website under each credential. To review these, you may visit our website. The ABAT Competency Standards may be found at <https://qababoard.com/wp-content/uploads/ABAT-Competency-Standards-3-21-20.pdf>. The QASP-S credential Competency Standards may be found at <https://qababoard.com/wp-content/uploads/QASP-S-Competency-Standards-3-21-20.pdf>. You may also review the Competency Standards on our website at <https://qababoard.com/wp-content/uploads/QBA-Competency-Standards-3-21-20.pdf>.

- Does the outline describe the practice of behavior analysis generally, without restriction or reference to any particular client or service recipient populations? Yes, QABA is Behavior Analysts first, but also includes knowledge of autism, which makes up the highest percentage of ABA practice. The main domains of the Competency Standards include Legal, Ethical, and Professional Conduct; Core Principles of Applied Behavior Analysis, Antecedent Intervention; Skill Acquisition Programming; Behavior Reduction Interventions; Data Collection and Analysis; Assessment; and Training and Supervision.

- Is passage of an objective, valid, and reliable professional exam in the subject matter required to obtain the credential(s)? Yes, all three credentials require an applicant to pass an exam after meeting eligibility. The passing score for each exam is around 72%. This is decided by the Angoff method after the psychometrician runs an item analysis and results from exams taken. This is reviewed every year. There is a method the psychometrician uses called the item substitution method. If some questions are found to be too easy or too difficult, an item bank with questions of similar weight may be used to replace the original item.

If so,

- Is the exam content clearly derived from the outline of knowledge and competencies? Each question is part of a specific competency. Subject matter experts are assigned by the psychometrician and the item writing team to write the exam based on the Competency Standards. The job analysis helps determine what percentage of questions should be allocated to each competency. Each exam taker receives a Coaching Report that gives a breakdown of their percentage score in each competency. No answers to questions are given, only a percentage of each competency.

- Who develops exam items and constructs exams? Subject Matter Experts within the field. They must submit their resume and have a minimum amount of experience in the field to participate. They work with a psychometrician to develop questions. All subject matter experts met specific requirements and provided their resumes. Our subject matter experts included credentialed professionals with QABA and/or BACB, as well as professionals within the scope of the field. This included BCBA-Ds, BCBAs who are now QBAs, Doctors of Behavioral Health, QASP-Ss, and other professionals within the field of ABA and ASD. All subject matter experts who participate in the exam items sign a non-disclosure agreement and agree to not being able to sit for the exam for a specific amount of time (typically 2 years).

- Is information about procedures for evaluating the exam's validity, reliability, and passing scores available? Yes, QABA has reports from our psychometrician, which gather raw data from each exam. An item analysis report is then created, which include p values and whether questions are too difficult, too easy, and what the passing rate is, etc. These reports ascertain the validity and reliability. They also help determine if questions need to be thrown out and replaced or revised.



- **Are there procedures for assuring the security of exam items?** Yes, procedures for the assurance of security of exam items are in place. QABA has policies in place to ensure the security of exam items. During the exams themselves, both questions and distractors are shuffled so nobody has the same exact exam. We also review item analysis reports on annual basis to see if there are any indications of cheating. All exam committee members, QABA staff, and board members sign nondisclosure agreements. All exam committee members are not allowed to sit for the exams for at least 2 years. These policies and procedures are reviewed during an annual surveillance with ANSI to maintain accreditation

- **Of exam administrations and results?** Yes, QABA has policies and procedure in place for the administrations and results. Non-discrimination forms are signed by all QABA staff and board members. Exams are administered online on a platform where the proctor has to enter a password unknown to the test taker. Exam questions are shuffled as well as distractors within the questions. Coaching Reports are given after every exam submitted, which only contains the test taker's score and the percentage of how they performed in each competency. No questions or answered are included in these Coaching Reports. These policies and procedures are reviewed during an annual surveillance with ANSI to maintain accreditation

- **Are there clear eligibility requirements for taking the exam?** Yes, each exam requires its own eligibility requirements. These are listed on the website under each credential.

* Applied Behavior Analysis Technician (ABAT) may be reviewed here:

<https://qababoard.com/aba-technician-credential/>

* Qualified Autism Services Provider – Supervisor (QASP-S) may be reviewed here:

<https://qababoard.com/qualified-autism-services-practitioner-supervisor/>

* Qualified Behavior Analyst (QBA) may be reviewed here: <https://qababoard.com/qualified-behavior-analyst-credential/>

Each applicant agrees to the eligibility requirements, along with The Code of Ethics, in the beginning of their application. They cannot move to the next steps until these are agreed to.

- **How are eligibility requirements determined, and by whom?** During the Job Analysis, the subject matter experts discuss which eligibility requirements should be met before someone can sit for an exam. These subject matter experts are all professionals within the field that have already completed a higher level, or parallel level, to the credential they are working on. Once the eligibility requirements have been decided by the committee, a proposal to the board with these requirements is then voted on.

- **Is continuing education required to maintain the credential(s)?** QABA requires continuing education to maintain every credential. The ABAT credential requires 12 CEUs (1 in Ethics), QASP-S requires 20 CEUs (2 in Ethics), and the QBA requires 32 CEUs (3 in Ethics). Please refer to the chart below for additional information:

Approved CEUs

All CEUs must have a certificate of attendance with a signature and the printed name of the presenter. Presenters must be in a related field with a master's degree or above.



Type	CEU	Restrictions
National/State ABA or related field associations (i.e. ABAT)	1 per clock hour	None
University coursework* (related field)	1 per clock hour	None
Approved QABA Provider	1 per clock hour	None
Seminar/Webinar/Workshop Non-Preapproved QABA Provider	1 per clock hour	2 CE
Participation in QABA Committee or development	1 per clock hour	2 CE ABAT/2 QASP-S/2 QBA
Poster presentation	1 per poster	1 CE
Authorship article/Presentation	3 per paper/presentation	3 CE

All CEUs must have a certificate of attendance with the signature and printed name of the presenter. Presenter must be by a master's level or above and be in a related field.

*College/university coursework may be considered following approval. Transcripts and curriculum must be provided and approved. Only subject matter specifically addressing the field of ABA, special education, autism, developmental disability and similar subjects can be considered. The number of credits the course equals the number of CEU credits, for example, a 3-credit course equals 3 CEUs.

The QASP-S requires a supervisor (master's level or above) to complete the on-line supervisor attestation form. Candidates must complete the 8 hours of supervisory coursework. They are required to have 5% of direct care hours supervised; however, once the QASP-S has completed an additional 500 hours as a certified QASP-S, they may reduce the supervisor level to 2% with at least one contact in person one-to-one every 180 days.

Ongoing Supervision Requirements

Every 90 days, a QASP-S is required to meet with his/her supervisor for 5% of the time they provide direct services to a client. The 5% supervision can be done remotely, using a HIPAA compliant video conferencing program; however, one of the contacts must be one-to-one in-person for a minimum of 1 hour.



If so,

- How are those requirements set, and by whom? During the Job Analysis, the subject matter experts discuss which requirements should be met before someone can renew their credential. These subject matter experts are all professionals within the field that have already completed a higher level, or parallel level, to the credential they are working on. Once the renewal requirements have been decided by the committee, a proposal to the board with these requirements is then voted on.

- Are there ethical and disciplinary standards for those who hold the credential(s)? Yes, we have both a Code of Ethics that every candidate agrees to and a policy on Discipline. The Code of Ethics is included in each Candidate Handbook, which is available on our website. We also list The Code of Ethics on our website, as well. When an applicant begins the enrollment process for a credential, they must agree to the Code of Ethics. There is also a link available to the applicant where they agree to them.

QABA also includes disciplinary standards for certificants. The policy is listed on our website with a process and timeline. This policy is reviewed with ANSI annually during our annual surveillance to maintain accreditation.

If so,

- How were they developed, and by whom? The Board of Directors develop the ethical and disciplinary standards for those who hold credentials. As listed in the preceding, each board member has a strong background and each is very knowledgeable with ethics and disciplinary policies. The board members review the policies as needed, and may revise them with any updates. The board then votes on the final revisions, if any, which then gets published on the website.

- Are they enforced? QABA absolutely enforces ethical and disciplinary policies and procedures. As stated in the policy, a process and timeline are strictly enforced and documented. Each incident is filed into a secure drive and is later reviewed with ANSI to maintain accreditation. This is done during the annual surveillance.

If so,

- By whom? Any incident is received by the Executive Director. The Executive Director gathers any supporting documentation received and bring it to The Disciplinary Review Committee. The Disciplinary Review Committee conducts necessary interviews and review received documents. If necessary, they bring the incident and reviewed materials to the Board of Directors for a vote on how to proceed. This can include revocation of certificate or suspension.

- By what procedures? QABA maintains a policy on ethical and disciplinary topics. These policies and procedures are strictly enforced by both QABA staff and the board. You may review the procedures below:

QABA strives to uphold best practice and integrity in all policies and procedures. Candidates, credentialed participants, and coursework or CEU providers are required to uphold the ethical guidelines and all policies and procedures established by the QABA Board. All complaints and grievances are confidential. All parties remain anonymous unless a legal or ethical violation is substantiated. For cases where confidentiality poses a risk to the public, notifications to third party, legal authorities and/or employers may be necessary. Frivolous complaints made by fellow certificate holders or providers are subject to disciplinary action by the QABA Board. Grounds for sanctions include, but are not limited to:



- Conviction of a felony or crime of moral turpitude under federal or state law
- Gross negligence, willful misconduct, or ethical violation in performance of services under QABA certification
- Fraud, falsification, or misrepresentation of qualifications or candidacy, renewals applications, or regulated policy rules of QABA
- Falsification or misrepresentation of any information requested by QABA, including: making a frivolous complaint, causing delay or disruption to investigations, or being non-responsive to requests from the QABA Board
- Misrepresentation of credentials to public or logo in advertising or public domain
- Cheating on an exam or assisting others to cheat on an exam
- Failure to respond to an allegation within 15 business days

Complaints regarding the exam process

Any complaints or issues related to the exam process, technical difficulties, or rescheduling should be sent in writing to [REDACTED] or call the office at 877.220.1839. Most issues can be resolved quickly via telephone or in coordination with Examity. Any issues or exam red flags that cannot be resolved by administration will be forwarded to the preliminary review committee.

Discipline

Complaints regarding any credentialed member or QABA coursework or CEU provider should be made in writing to the board president. For additional information or help in determination of if a complaint is applicable, please contact [REDACTED] or call the office at 877.220.1839.

All complaints must be in writing through the Complaint Form on the website qababoard.com. Note all information must include the name, title, and credential of the person submitting the complaint; the name of the person/company and credential of the person being reported; all relevant information and a detailed description of the event, including dates and timelines; all contact information, including phone, email, and written correspondence for parties noted in the complaint.

Preliminary Review Committee: All complaints are reviewed by the board president and secretary. Preliminary review is completed within 5 business days.

The complaint is determined to:

- Be substantial and contain valid and sufficient information to justify a discipline committee review
- Be insufficient and returned for further information, or dismissed as not qualifying as an ethics/policy violation
- Be more appropriate for administrative resolution through the QABA office



Disciplinary Committee Review: A valid and substantial complaint is investigated by a Disciplinary Review Committee (DRC) comprised of the board president, secretary and one additional board member. The committee forwards a report and recommendation to the QABA Board upon completion of all relevant investigation materials.

Notification is made within 5 days of substantiated review to the certificant or provider whose conduct is in question. Email, phone and/or written correspondence is used and all contacts are documented in a written log of all data. If the recipient does not respond within 5 business days, a certified letter is issued. The respondent has 15 days upon receipt to respond. All participants and providers are responsible for maintaining current and correct information in the QABA system. Incorrect or out-of-date information is not the responsibility of the QABA Board, although every effort will be made to contact all parties. Failure to respond within 15 days will result in automatic suspension of the certificate. During suspension, individuals cannot represent, provide services nor bill services utilizing the credential. Employers will be immediately notified upon suspension. Further failure within an additional 15 days to respond to a suspension notice will result in revocation following a board vote and notification to the employer. Reinstatement may be requested in writing up to 30 days following the revocation to the QABA Board president, along with thorough justification and data to support the reinstatement. The investigation timeline procedures will continue at that time. Employers, employees, or related parties to any complaint may be contacted to substantiate information.

Board Review: All complaints forwarded by the DRC are reviewed by a quorum of QABA Board members.

Determination is made upon completion of all investigation materials and reports. Final determination is not completed until all legal processes are fulfilled, if applicable. Final determinations for certificates or provider status may result in the following:

- Caution/warning counseling
- Code compliance or training through voluntary professional development
- Suspension for a specific period of time or until completion of specific training, supervision, or code/policy correction is made
- Revocation: the participant or provider is immediately removed from active status and listed as revoked after the appeals process
- Dismissal: after thorough investigation, the board concludes that the complaint is unsubstantiated based on evidence provided
- Voluntary surrender of certificate or provider status. If completed before the final determination, the file is sealed and the certificate or provider is removed from the roster without comment

Determination results/sanctions are provided to the respondent or provider through written notice within 5 business days of final board quorum vote. Revocation of the credential is permanent and



certificants and providers may not re-apply. Complainants are notified in writing of the results of their filed complaint.

Appeals Process

Appeals can be filed to the board president within 30 days from receipt of the board's determination. Appeals must be made in writing and include all information substantiating the justification of the appeal. Appeals are forwarded to an Appeals Committee (AC) comprised of 2 board members who were not on the DRC for the case, and at least one QABA Advisory Board member (QABA stakeholders in a voluntary advisory position) unassociated with the provider or employer of the respondent/provider. Respondents have the right to be present or video conference with the Appeals Committee and may include their own legal counsel.

Determinations by the Appeal Committee:

- Uphold the QABA Board's decision
- Initiate additional investigation to be completed by the same Appeals Committee. Results will be forwarded to the QABA Board for re-determination within 60 days of a complete file for the appeal.
- Complete a justification report for modification to the board for re-determination

All parties will be notified of the Appeals Committee determination within 5 business days of final review.

COMPLAINT / GRIEVANCE TIMELINE OF ACTION

Preliminary Review (President, Secretary)	Discipline Review Committee (President, Secretary, 1 Board Member)	QABA Board Review (QABA Board Quorum)	Appeals Committee (2 Board members not on DRC and 1 advisory member)
5 days to assess	DRC has 5 days to notify (email and phone) respondent of charge; 30 days	Board receives DRC recommendation within days following all relevant materials	30 days after board determination, appeal can be filed to board president



Preliminary Review (President, Secretary)	Discipline Review Committee (President, Secretary, 1 Board Member)	QABA Board Review (QABA Board Quorum)	Appeals Committee (2 Board members not on DRC and 1 advisory member)
	to notify board of an open investigation		
	5 days to receive response; if no response, DRC sends certified letter	60 days to vote on determination; respondent receives notification of results in 5 business days; complainant receives results	Appeals Committee receives appeal with evidence, has 60 days to investigate and make determination
	Automatic suspension 15 days following notification of suspicion to respond before board votes to revoke.	Board revokes credential after 30 days of no response. Respondents may submit reinstatement request to board president within 30 days	Appeals Committee submits justification report to board for re-determination; board has 30 days for re-determination
	Additional 15 days following notification of suspicion to respond before	Employer is notified	Appeals Committee notifies all parties



Preliminary Review (President, Secretary)	Discipline Review Committee (President, Secretary, 1 Board Member)	QABA Board Review (QABA Board Quorum)	Appeals Committee (2 Board members not on DRC and 1 advisory member)
	board votes to revoke		within 5 business days

*Deadlines may be extended for gathering additional data or legal/ professional board resolutions prior to the QABA final determination.

EXHIBIT G – Kindly see the following pages



March 4, 2021

Ms. Hollie Benincosa, MAFP
Executive Director
QABA Credentialing Board
707 24th St Ste D
Ogdon, UT 84401
Sent via Email to: [REDACTED]

RE: Qualified Autism Services Provider-Supervisor® (QASP-S®)

Dear Ms. Benincosa;

I would like to thank you for your email dated November 30, 2020, in which you raised the issue discussed in this letter. Your involvement in this process is most appreciated, and we have taken the issue under advisement. Below is the determination made, and the requirements upon which it is based.

The Texas Department of Licensing and Regulation (TDLR or the Department) has determined that the Qualified Autism Services Provider-Supervisor® (QASP-S®) credential, issued by the Qualified Applied Behavior Analysis Credentialing Board® (QABA®), does not qualify a person to meet the statutory requirements for licensure as an Assistant Behavior Analyst at TDLR.

First, Texas Occupations Code, Ch. 506, relating to Behavior Analysts, defines "certifying entity" as the nationally accredited Behavior Analyst Certification Board® (BACB®) or another entity that is accredited by the National Commission for Certifying Agencies (NCCA) or the American National Standards Institute (ANSI) *to issue credentials in the professional practice of applied behavior analysis and approved by the department*. QABA® is accredited by ANSI to provide a certification as a qualified autism service practitioner, not to issue a credential in the professional practice of applied behavior analysis, so it may not be approved as a certifying entity for the Assistant Behavior Analyst license.

Second, the statute further defines a Licensed Assistant Behavior Analyst as a person who is certified by the certifying entity as a Board Certified Assistant Behavior Analyst® (BCaBA®) or who has an equivalent certification issued by the certifying entity and who meets the requirements specified by § 506.254, Requirements for Licensed Assistant Behavior Analyst; § 506.254 requires an applicant to meet the educational requirements of the BCaBA® standard or an *equivalent standard adopted by the certifying entity*. After review by the members of the Behavior Analyst Advisory Board, myself and Department staff, it was agreed that the educational requirements needed for QASP-S® certification are not equivalent to the educational requirements needed for an assistant behavior analyst license. The BACB® requirements include a bachelor's degree from an Association for Behavior Analysis International (ABIA)-Accredited Undergraduate Program or the completion of a Verified Course Sequence through an accredited university, to which the educational requirements for the QASP-S® credential are not equivalent.

Ms. Hollie Benincosa, MAFP
March 4, 2021
Page 2

Because neither the QABA® ANSI® accreditation nor the requirements for the QASP-S® credential satisfy the statutory requirements in the Texas Occupations Code, Ch. 506, the Department does not approve the QABA® as a certifying entity for the Texas assistant behavior analyst license. Further, an applicant holding only the QASP-S® credential does not qualify for an Assistant Behavior Analyst license.

You have requested to appeal these decisions but there exists no formal appeal procedure. Because TDLR is obligated to implement Occupations Code Chapter 506 as written, the disapproval of the QASP-S® credential for Assistant Behavior Analyst licensure can be reconsidered only if there is a relevant change to that law. TDLR is not permitted to request the legislature to make such a change.

Again, I appreciate your letter and your involvement in this process. If you have any questions regarding the information contained in this letter, please contact either Ms. Laura Pfefferle or Ms. Katie Brice, both of my staff, at laura.pfefferle@tdlr.texas.gov or katie.brice@tdlr.texas.gov, respectively.

Yours in Service,



Brian Francis
Executive Director

EXHIBIT H – Kindly see the following pages



CERTIFICATE OF ACCREDITATION

The ANSI National Accreditation Board

Hereby attests that

Qualified Applied Behavior Analysis Credentialing Board

7545 Irvine Center Drive, Suite 200, Irvine, CA 92618, United States

Fulfills the requirements of

ISO/IEC 17024:2012 General requirements for bodies operating certification of persons

WITH THE FOLLOWING SCOPE OF ACCREDITATION:

GRANTED 2017-12-04: Applied Behavior Analysis Technician® (ABAT®)
GRANTED 2019-12-10: Qualified Autism Services Practitioner - Supervisor® (QASP-S®)
GRANTED 2020-12-01: Qualified Behavior Analyst (QBA)

The current scope of accreditation can be verified at www.anab.org.

Dr. Vijay Krishna - Senior Director of Accreditation, Credentialing

Valid Through: 2022-12-04
Accreditation ID: #1168



Certificate ID: MUCBHYB



November 13, 2021

To
Texas Department of Licensing and Regulations Board of Directors,

The ANSI National Accreditation Board has accredited the **Qualified Applied Behavior Analysis Credentialing Board (QABA®)** under ISO/IEC 17024 for the following three certification programs.

1. Qualified Behavior Analyst (QBA®)
2. Qualified Autism Services Practitioner (QASP-S®)
3. Applied Behavior Analysis Technician (ABAT®)

The status of QABA's accreditation can be verified at ANAB's accreditation directory
<https://anab.ansi.org/credentialing/personnel-certification/directory>

The accredited programs meet clause 8 of ISO/IEC 17024 that requires a certification body to demonstrate that, in the development and review of the certification scheme the following are included:

- a) the involvement of appropriate experts;
- b) the use of an appropriate structure that fairly represents the interests of all parties significantly concerned, without any interest predominating;
- c) the identification and alignment of prerequisites, if applicable, with the competence requirements;
- d) the identification and alignment of the assessment mechanisms with the competence requirements;
- e) a job or practice analysis that is conducted and updated to:
 - identify the tasks for successful performance;
 - identify the required competence for each task;
 - identify prerequisites (if applicable);
 - confirm the assessment mechanisms and examination content;
 - identify the re-certification requirements and interval.

The scope of each program has been reviewed and reflect that the certifications are in the field of ABA and include autism as one of the competencies.

Please feel free to contact me for any additional questions or clarification.

Sincerely,

Vijay Krishna, Ed.D.
Vice President, Credentialing